

**COMMITTEE ON DENTAL AUXILIARIES**

THE DENTAL BOARD OF CALIFORNIA
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February 10, 2003

Department of Health Services
Office of Oral Health
Robyn Keller
P.O. Box 942732 / MS 253
Sacramento, CA 94234

Dear Ms. Keller:

You have asked this office to clarify the new laws affecting Registered Dental Hygienists (RDHs) in California that took effect January 1, 2003; a compendium of the new laws is attached. All sections of law are in the Business and Professions Code.

First, Section 1764(b) allows a RDH to provide allowable dental hygiene services in any setting, provided that he or she does so under the appropriate level of supervision defined by law.

Section 1764(a) also provides that any procedure or service provided by a RDH that does not specifically require direct supervision (delineated in Section 1761) shall require general supervision. A service which does not require direct supervision may be provided under general supervision so long as it does not give rise to a situation in the dentist's office requiring immediate services for alleviation of severe pain, or immediate diagnosis and treatment of unforeseeable dental conditions which, if not immediately diagnosed and treated, would lead to serious disability or death.

In addition, the new laws place a broad definition of dental hygiene practice in statute. Section 1760.5 provides that broad definition, as well as the duties and services which a registered dental hygienist is prohibited from providing. Sections 1761 and 1762 specify the duties which must be performed under direct supervision and those which may be performed under general supervision.

The practitioner and his or her supervising dentist must determine whether a procedure or service to be performed under general supervision (other than those specifically listed in Section 1762) correctly meets the broad definition of dental hygiene contained in Section 1760.5. For example, although the act of performing a mouth-mirror inspection of the oral cavity and associated charting are not specifically listed as an allowable procedure in Section 1762, it is obviously a procedure that would fall within the broad definition contained in Section 1760.5.

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Section 1763(a) provides that a RDH may provide, without supervision, educational services, oral health training programs, and oral health screenings. The RDH must refer any screened patient with possible oral abnormalities to a dentist. As stated above, section 1764(b) specifies that these services can be provided in any setting.

In addition, Section 1763(c) provides that in any public health program created by federal, state or local law or administered by a federal, state, county, or local government entity, a RDH may also provide, again without supervision, dental hygiene preventive services in addition to oral screenings.

Section 1763 does not provide a definition of "preventive services," other than to state that they include, but are not limited to, the application of fluorides and pit and fissure sealants. However, it would seem that the term "preventive services" would include those duties that would fall within the broad scope of dental hygiene defined by Section 1760.5 (dental hygiene assessment and development of a dental hygiene care plan).

In addition, it would appear that the allowable duties would also specifically include the preventive services listed in Section 1762(a) and (b), as follows:

(a) Preventive and therapeutic interventions, including oral prophylaxis, scaling, and root planing; (Section 1762(a)) and,

(b) Application of topical, therapeutic, and subgingival agents used for the control of caries and periodontal disease (Section 1762(b)).

The practitioner must determine whether a procedure or service to be performed without supervision in the specified public health program (other than those specifically listed in Section 1762(a) and (b)) correctly meets the definition of a "preventive service" specified in Section 1763(c).

Patients receiving the services of a RDH without the supervision or direction of a dentist as provided in Section 1763 would not need to meet the requirements of Section 1684.5 that he or she be a patient of record of a licensed dentist.

If you have any questions or require further clarification, do not hesitate to contact me.

Sincerely,



Karen R. Wyant
Executive Officer